

10-24-05

DAC/IFW

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**In The Matter Of:**

Application No: 10/771,578

Art Unit.....1734

Application Date: 02/03/2003

Docket No: LAYT/2001/2003

Examiner: JAMES SELLS

Inventor: Liviu L. Marian

Title: Method and Apparatus  
for Attaching Article Processing  
Stem

EL651547653US

**PETITION TO REVIVE UNINTENTIONALLY ABANDONED**  
**NONPROVISIONAL APPLICATION**  
**UNDER 37 CFR 1.137(b)**

Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In accordance with the applicable provisions of 37 CFR 1.137(b), the undersigned Attorney for Applicant hereby petitions respectfully to revive the above identified Patent Application on the grounds of unintentional abandonment for the reasons set forth herewith in Attorney's Statement letter..

Further in accordance with the provisions of the rule cited above, Attorney for Applicant submits herewith the following documents in support of this Petition:

- A complete and responsive reply to the Office Action Mailed January 11, 2005. including a five (5) page Claims Listing setting forth all current pending claims in full compliance with the applicable provisions of 37 CFR 1.121, which, it is believed, fully places this Application in proper condition for allowance in accordance with the Examiner's valuable comments and advice;

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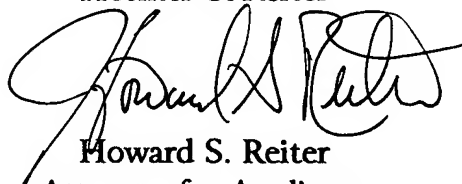
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- The Petition Fee specified in 37 CFR 1.17(m), in the form of Attorney's duly executed Credit Card Payment form (Form PTO-2038 (02-2003)) in the amount of Seven Hundred and Fifty Dollars (\$750.00);
- This Petition Under 37 CFR 1.137(b)
- Attorney's Statement accompanying this Petition, in accordance with 37 CFR 1.137(b)(3), explaining and confirming and that the entire delay in filing this response was unintentional
- A Self-Addressed Acknowledgment Postcard
- A Certificate of Post-Office-to-Addressee Express Mailing, Under Mailing Label Number EL 651547653 US

Attorney for Applicant respectfully solicits favorable consideration and corresponding action on this Petition so as to afford the entirely innocent Applicant the consideration and protection to which he is entitled and which he would have obtained but for Attorney's entirely unintended oversight.

Respectfully submitted,  
Hosmer & Reiter



Howard S. Reiter  
Attorney for Applicant  
Reg. No. 20,394

Date: October 21, 2005

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October 21, 2005

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

EXPRESS MAIL LABEL EL 651547653 US

Sir:

**RE: ATTORNEY'S STATEMENT ON PETITION TO REVIVE UNDER 37 CFR 1.137(b);**  
**APPLICATION No: 10/771,578**  
**Application Date: ... 02/03/2003;**  
**Inventor: ..... Liviu L. Marian;**  
**Title: ..... Method and Apparatus for Attaching Article Processing Stem**  
**Docket No: ..... LAYT/2001/2003;**

The undersigned Attorney for Applicant hereby respectfully petitions to revive the above-identified Non-Provisional Patent Application, under the provisions of 37 CFR 1.137(b), and submits the following statement, accordingly:

Attorney for applicant will be seventy years old, shortly, and no longer accepts new business. The subject application, identified above is one of barely ten or so pending matters remaining on his active docket. Accordingly, he is now the sole remaining staff member in his office, and is solely responsible for all clerical and professional functions including docketing, preparing, typing and submitting all outgoing and incoming correspondence.

Attorney maintains a computer-based docketing system that he reviews regularly and that has provided more than adequate advance reminders of the relatively few actions that must be docketed for response. Despite Attorney's precautions and reasonable reliance on this basic system however, he incorrectly and without deceptive intention of any kind, committed an unknown and entirely unintentional error in the initial docketing of the response to the Official Action mailed 01/11/2005. He is now aware that he improperly docketed the 3-month response date for this application at six months instead of 3-months and accordingly set the 6-month "deadline date" 3 months later than the incorrect 6-month date. During the incorrectly docketed time for response, medical and personal problems requiring attention to and hospitalization of

# **HOSMER & REITER**

## **COUNSELLORS AT LAW**

October 21, 2005

Commissioner for Patents

ATTORNEY'S STATEMENT ON PETITION TO REVIVE UNDER 37 CFR 1.137(b);

APPLICATION NO: 10/771,578

Docket No: LAYT/2001/2003;

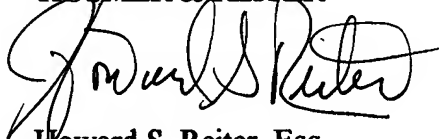
the sole other member of Attorney's household, effectively though inexcusably diverted Attorney's attention from these matters and the file was misplaced along with recognition of the requirement for response. The present response was prepared and submitted with all due haste and respect as soon as possible following detection of the oversight.

Attorney sincerely regrets the confusion, oversights and delays created by the untimely and unfortunate combination of unintended personal clerical mistakes as well as electrical and mechanical malfunctions in his office. The delays in submitting the accompanying Response and Petition was entirely and indisputably the sole responsibility of Attorney who is now making efforts to avoid recurrences primarily by retiring from active practice. Before doing so, however, Attorney is making concerted efforts to avoid the imposition on his few remaining loyal and innocent clients, of unwarranted penalties such as the undeserved forfeiture of this partly allowed and otherwise fully allowable application.

In view of the facts and circumstances outlined in the statement set forth above, Attorney earnestly and respectfully solicits favorable consideration and subsequent grant of the accompanying Petition to Revive, together with further action on the likewise accompanying Amendment.

Respectfully submitted,

**HOSMER & REITER**



Howard S. Reiter, Esq.

Reg. No. 20,394

Enclosures: (xx)

HSR/es<sup>5</sup>